

# MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1362

DATE: 5/31/5

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 945, L.D. 1362, Bill, "An Act Regarding the Maine Criminal Justice Academy"

Amend the bill in section 2 in paragraph B in the 4th line (page 1, line 18 in L.D.) by striking out the following: ", care or treatment"

Further amend the bill in section 4 by striking out all of subsection 5 and inserting in its place the following:

'5. Law enforcement officer. "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, the power to make arrests for crimes or serve criminal process, whether that duty power extends to all crimes or is limited to specific crimes, to perform probation functions or to perform intensive supervision functions. As used in this chapter, the term does not include federal law enforcement officers or attorneys prosecuting for the State.'

Further amend the bill in section 6 in subsection 1 by striking out all of the first indented paragraph (page 2, lines 28 to 30 in L.D.) and inserting in its place the following:

'1. Exemption. The training standards and requirements of this chapter section 2803-B do not apply to a person defined by this chapter as a law enforcement officer who is:'

Further amend the bill in section 16 in subsection 3 in the 13th line (page 6, line 9 in L.D.) by striking out the following: "June 1, 2005" and inserting in its place the

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2 following: 'June 1, 2006' and in the 4th and 5th lines from the  
end (page 6, lines 26 and 27 in L.D.) by striking out the  
4 following: "January 1, 2006" and inserting in its place the  
following: 'January 1, 2007'

6 Further amend the bill in section 19 in the first paragraph  
in the 2nd line (page 6, line 48 in L.D.) by striking out the  
8 following: "consent" and inserting in its place the following:  
'consideration'

10 Further amend the bill in section 21 by striking out all of  
12 subsection 1 (page 7, lines 24 to 50 in L.D.) and inserting in  
its place the following:

14  
16 **'1. Required.** As a condition to the continued employment  
of any person as a full-time law enforcement officer by a  
18 municipality, a county, the State or any other nonfederal  
employer, that person must successfully complete, within the  
20 first 12 months of initial employment, a the basic training  
course at the Maine Criminal Justice Academy approved by the  
22 board. Thereafter,--as If a person's failure to comply with this  
requirement was a result of that person's failure to satisfy any  
of the admission standards applicable to the basic training  
course and that person is subsequently employed as a full-time  
law enforcement officer within 12 months of termination of the  
initial employment by a municipality, a county, the State or any  
other nonfederal employer, the person must have satisfied all the  
admission standards to the satisfaction of the board at the time  
of hire. As a condition of continued employment as a full-time  
30 law enforcement officer, the officer must satisfactorily maintain  
the basic certification by completing the recertification  
32 requirements prescribed by the board. The board, under  
extenuating and emergency circumstances in individual cases, may  
34 extend that the 12-month period for not more than 90 180 days.  
The board also, in individual cases, may waive the basic training  
36 requirement when the facts indicate that an equivalent course has  
been successfully completed. This section does not apply to any  
38 person employed as a full-time law enforcement officer by a  
municipality on September 23, 1971 or by a county on July 1,  
40 1972.'

42 Further amend the bill by inserting after section 25 the  
following:

44  
46 **'Sec. 26. 25 MRSA §2806, sub-§2, ¶A,** as repealed and replaced  
by PL 1995, c. 462, Pt. A, §49, is amended to read:

48 A. For subsection 1, paragraph A and subsection 1,  
50 paragraph B, subparagraph (2), (4), (5) ~~or~~, (6) or (7):

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- 2 (1) In accordance with Title 5, chapter 375,  
subchapter IV 4; or
- 4 (2) Upon notice, through conducting an informal  
6 conference with the officer. If the board finds the  
8 factual basis of the complaint is true and that further  
10 action is warranted, it may enter into a consent  
agreement with the officer, which may contain  
provisions including voluntary surrender of the  
certificate and terms and conditions of recertification;

12 **Sec. 27. 25 MRSA §2806, sub-§2, ¶B**, as corrected by RR 1991,  
c. 2, §97, is amended to read:

14 B. For subsection 1, paragraph B, subparagraph (1) or (3),  
16 ~~if the officer is employed as a law enforcement officer~~, in  
accordance with Title 5, section 10004; and'

18 Further amend the bill by relettering or renumbering any  
20 nonconsecutive Part letter or section number to read  
consecutively.

22

24 **SUMMARY**

26 This amendment affects the laws regarding policies, training  
and reporting at the Maine Criminal Justice Academy as follows.

28

30 1. It strikes from section 2 of the bill the words "care or  
32 treatment." This section deals only with custody of persons  
confined in a penal institution and not to teachers, social  
workers, counselors or medical providers.

34 2. It clarifies the definition of "law enforcement officer."

36 3. It specifies that transport officers are exempt from  
38 basic law enforcement training standards, mandated policies and  
mandatory annual reporting but are subject to any statutory  
training requirements specific to that position.

40 4. It extends from June 1, 2005 to June 1, 2006 the date by  
42 which law enforcement agencies must adopt policies regarding  
community sex offender notification and extends from January 1,  
44 2006 to January 1, 2007 the date by which all law enforcement  
46 officers must be trained regarding the community sex offender  
notification policy.

48 5. It amends the basic law enforcement training course  
50 provision by requiring full-time law enforcement officers to  
successfully complete the basic training course in the first 12

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2 months of initial employment. If that officer fails to satisfy  
the admission standards of the basic training course, the officer  
4 must meet all entrance standards and be approved by the Board of  
Trustees of the Maine Criminal Justice Academy before that  
6 officer is employed by any agency. The amendment also increases  
the extension of the 12-month period from 90 days to 180 days for  
8 cases involving extenuating circumstances and requires officers  
to do their training at the Maine Criminal Justice Academy.

10 6. It clarifies that the Maine Administrative Procedure Act  
must be used for all decertification procedures when an officer  
12 engages in prohibited conduct.

14 **FISCAL NOTE REQUIRED**  
16 **(See attached)**



# 122nd MAINE LEGISLATURE

LD 1362

LR 0409(02)

**An Act Regarding the Maine Criminal Justice Academy**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes a new civil violation.

The collection of additional fines may increase General Fund revenue by minor amounts.